

**Initial determination of acceptability of a facility being considered for the off -site treatment, storage, or disposal of CERCLA waste**

**Region2 OSR** to: larry.shilling

05/04/2012 04:20 PM

Sent by: **Beckett Grealish**

Cc: carla.jordan, john.garvey, sjfoti

Bcc: Leilani Davis

From: Region2 OSR

To: larry.shilling@casella.com

Cc: carla.jordan@casella.com, john.garvey@co.contario.ny.us, sjfoti@gw.dec.state.ny.us

Bcc: Leilani Davis/R2/USEPA/US@EPA

**Please respond to Region2\_OSR@epamail.epa.gov**

Larry Shilling

Operator's Authorized Representative

Ontario County Dept of Solid Waste (Ontario County Landfill); Casella Waste Services of Ontario, LLC

1879 Routes 5 & 20

Stanley, NY 14561

Dear Mr. Shilling:

This email is in response to your September 26, 2011 request to the United States Environmental Protection Agency (EPA), for a determination of acceptability to receive wastes under Section 121(d) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 as amended, 42 U.S.C. §§ 9601-9675 (CERCLA), and the associated regulations in 40 C.F.R. Part 300 (hereinafter, the Off-Site Rule) for the Ontario County Dept of Solid Waste (Ontario County Landfill); Casella Waste Services of Ontario, LLC facility located at 1879 Routes 5 & 20, in Stanley, New York.

Section 121(d)(3) of CERCLA requires that in the case of any removal or remedial action under CERCLA, any hazardous substance or pollutant or contaminant may only be transferred to a facility operating in compliance with the Resource Conservation and Recovery Act (RCRA) or other applicable federal law and state requirements. That section further prohibits the transfer of CERCLA wastes to a land disposal facility that is releasing contaminants into the environment. These principles are interpreted in the Off-Site Rule, set forth in the National Contingency Plan (NCP), at 40 CFR § 300.440. The purpose of the Off-Site Rule is to prevent wastes from CERCLA response actions from contributing to present or future environmental problems. Compliance with the Off-Site Rule ensures that CERCLA wastes are directed to management units determined to be environmentally sound and deemed acceptable by EPA.

Pursuant to 40 CFR Section 300.440, EPA has completed its determination of acceptability evaluation and has found that the Ontario County Dept of Solid Waste (Ontario County Landfill); Casella Waste Services of Ontario, LLC facility is acceptable to receive waste from CERCLA sites. EPA's acceptability determination is contingent upon the following:

- This acceptability determination is based on the assumption that only wastes which comply with the permits issued to Ontario County Dept of Solid Waste (Ontario County Landfill); Casella Waste Services of Ontario, LLC facility will be accepted. It is the facility's responsibility to review any proposed waste streams for compliance with its permits.
- This determination is based on the available information at the time of the review and is subject to change in accordance with the procedures in 40 CFR Section 300.440 (d).

Please note your status could be changed if at any time relevant information becomes available according to the procedures set forth in 40 C.F.R. § 300.440 (d).

Should you have questions regarding this determination, please feel free to contact me, EPA Region 2's Off-Site Rule contact, at (732) 321-4341 or via email at [Region2\\_OSR@epailepa.gov](mailto:Region2_OSR@epailepa.gov).

Sincerely,

A handwritten signature in dark ink, reading "Beckett Grealish". The signature is written in a cursive, flowing style.

Beckett Grealish, CERCLA Off-Site Rule Coordinator  
United States Environmental Protection Agency - Region 2